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Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Ball Metal Beverage Container Corp.
Facility Name:	Ball Metal Beverage Container Corp.
Facility Location:	750 Old Abingdon Highway Bristol, VA
Registration Number:	10060
Permit Number:	SWRO10060

November 8, 2001
Effective Date

November 8, 2006
Expiration Date

_____
Modification Date

_____
Robert G. Burnley
Director, Department of Environmental Quality

Table of Contents, 1 pages
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Attachments: HAP List

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I. Facility Information

Permittee
Ball Metal Beverage Container Corp.
9300 West 108th Circle
Broomfield, Colorado 80021-3682

Responsible Official
Mr. Kent Bickell
Manager of Environmental Services

Facility
Ball Metal Beverage Container Corp.
750 Old Abingdon Highway
Bristol, Virginia 24201-1899

Contact Person
Doug Barndt
Environmental Engineer
(303) 460-5381

AFS Identification Number: 51-520-00060

Facility Description: SIC Code 3411 – The facility manufactures beverage can ends from aluminum. The ends are stamped from rolls of aluminum stock, and the rims are coated with compound liner material. Aluminum tabs are also stamped, formed, and attached to the ends. After assembly, the end products are packaged, stored, and shipped.

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II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Lines 1, 2, 3, 4, 5, 6, SEMS	---- ---- ----	Ú29 Crown Compound Liners; 10 Stolle presses; 2 Tab presses; 6 AT4 Conversion Presses; installed 1971 - 1997 6 Preferred Compound Liners; 4 Stolle presses; installed 1999 Ú5 Preferred Compound Liners; installation in 2005 -2006	1100 ends/min each 1300 ends/min each 1300 ends/min each	------	----	----	Minor NSR – 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04) & State Operating Permit – 12/16/04
R&D Line	----	Bliss Shell Press; Preferred Compound Liner.	1875 ends/min	------	----	----	----

The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Ú **Note:** The 5 Preferred compound liner machines will replace 5 Crown compound liner machines, bringing the total Crown liners to 24 units.

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III. Facility Wide Conditions

A. Limitations

1. Volatile Organic Compound (VOC) throughput and emissions from the facility shall not exceed 200 tons per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-1180, 9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 3 of minor NSR permit issued 11/14/2000 (as amended 05/02/2001, 11/22/2002, and 12/16/2004))

2. Hazardous air pollutant (HAP) throughput and emissions, as defined by §112(b) of the Clean Air Act, from the facility shall not exceed 9.5 tons per year of any individual HAP or 24.5 tons per year of any combination of HAPs, calculated monthly as the sum of each consecutive twelve (12) month period. HAPs which are not accompanied by a specific CAS number as listed in the attachment shall be calculated as the sum of all compounds containing the named chemical when determining compliance with the individual HAP emissions limitation of 9.5 tons per year.
(9 VAC 5-80-850, 9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 3 of State Operating Permit issued 12/16/2004)

3. The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-20-180 I and Condition 11 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04))

B. Monitoring and Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Annual throughput of VOC to the facility, calculated monthly as the sum of each consecutive 12 month period.

2. Material Safety Data Sheets (MSDS) or other vendor information showing VOC and HAP content for each compound liner, tab lube, and solvent material used. VOC content shall be determined by 40 CFR 60, Appendix A, Method 24 or other EPA approved method. HAP content shall be determined by 40 CFR 63, Appendix A, Method 311, manufacturer's data, or other EPA approved method.

3. Monthly and annual throughput (in gallons or pounds) of each compound liner, tab lube, and solvent material used in can end production operations. Annual throughputs shall be calculated monthly as the sum of each consecutive 12 month period.

4. Monthly and annual emissions (in pounds or tons) of VOC from the facility. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.

5. Monthly and annual throughput and emissions to verify compliance with the individual and total HAP limitations in Condition III.A.2. Annual throughput and emissions shall be calculated monthly as the sum of each consecutive 12 month period.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110, Condition 5 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04) and Condition 4 of State Operating Permit issued on 12/16/04)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30, 9 VAC 5-80-110, Condition 4 of the Minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04) , and Condition 5 of the State Operating Permit issued 12/16/04)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC Content	EPA Methods 24, 24a
HAP Content	40 CFR 63, Appendix A, EPA Method 311 or manufacturer's data

(9 VAC 5-80-110)

IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1	Industrial Lift Trucks	9 VAC 5-80-720 A.23	----	----
IS-2	gas-fired space heaters	9 VAC 5-80-720 A.6	----	----

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-3	gas-fired water heaters	9 VAC 5-80-720 C.2		40,000 Btu/hr, 140,000 Btu/hr
IS-4	Propane-powered floor scrubber	9 VAC 5-80-720 A.9	----	----
IS-5	Propane/oil powered lift	9 VAC 5-80-720 A.23	----	----
IS-6	Steam Cleaner	9 VAC 5-80-720 A.61	----	----
IS-8	14 Stolle System Conversion Presses	9 VAC 5-80-720 B.2	VOC	
IS-9	Two 6,000 gal. Compound Storage Tanks	9 VAC 5-80-720 B.2	VOC	
IS-10	8,000 gal. Waterbase Compound Storage Tank	9 VAC 5-80-720 B.2	VOC	
IS-16	4 AT4 Conversion Presses	9 VAC 5-80-720 B.2	VOC	
IS-17	2 Bruderer Tab Presses	9 VAC 5-80-720 B.2	VOC	
IS-18	Two 10,000 gal. Solvent/Lube Storage Tanks	9 VAC 5-80-720 B.2	VOC	
IS-19	Cold Cleaner Parts Washers	9 VAC 5-80-720 B.2	VOC	

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements that have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
40 CFR 60.110b-117b	Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	Applies to VOC storage vessels whose capacities exceed 40 m^3 (10,568 gal). All tanks at the facility are smaller than this.
40 CFR 60.490-496	Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry	The facility does not coat beverage cans, but only the ends that are attached to such cans.
9 VAC 5-40-3280	Emission Standards for Solvent Metal Cleaning Operations using Non-Halogenated Solvents	Applies to VOC control areas only.
9 VAC 5-40-3420	Emission Standards for VOC Storage and Transfer Operations	Applies to VOC control areas only.
9 VAC 5-40-4010	Emission Standards for Can Coating Application Systems	Applies to VOC control areas only.
40 CFR Part 63.460-469	Subpart T - National Emission Standards for Halogenated Solvent Cleaning	Applies to cleaning machines using chlorinated solvents listed in 40 CFR 63.460(a). This facility does not use them.
40 CFR 63.3880-3981	Subpart MMMM - National Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products	Applies to major sources of HAPs. This source is not major for HAPs.
40 CFR Part 63.3480-3581	Subpart KKKK – National Emission Standards for Surface Coating of Metal Cans	Applies to major sources of HAPs. This source is not major for HAPs.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

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VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

a. The date, place as defined in the permit, and time of sampling or measurements.

b. The date(s) analyses were performed.

c. The company or entity that performed the analyses.

d. The analytical techniques or methods used.

e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9 VAC 5-20-180 C**,** Condition 10 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04) and Condition 7 of State Operating Permit issued 12/16/04)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2, Condition 9 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04), and Condition 6 of the State Operating Permit issued 12/16/04)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160, 9 VAC 5-80-1240 B, Condition 13 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04), and Condition 10 of the State Operating Permit issued 12/16/04)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter

80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

Attachment - HAP List

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LIST OF 188 HAZARDOUS AIR POLLUTANTS UNDER TITLE III (SECTION 112) OF THE 1990 CLEAN AIR ACT AMENDMENTS

CAS Number	Chemical Name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl) ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (mixed isomers)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, (2,4-Dichlorophenoxyacetic Acid) (including salts and esters)
72559	DDE (1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene)
334883	Diazomethane
132649	Dibenzofuran
96128	1,2-Dibromo-3-chloropropane
84742	Dibutyl phthalate
106467	1,4-Dichlorobenzene
91941	3,3'-Dichlorobenzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
64675	Diethyl sulfate
119904	3,3'-Dimethoxybenzidine
121697	N,N-Dimethylaniline
60117	4-Dimethylaminoazobenzene
119937	3,3'-Dimethylbenzidine
79447	Dimethylcarbamoyl chloride
68122	N,N-Dimethylformamide
57147	1,1-Dimethylhydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
	4,6-Dinitro-o-cresol (including salts)
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethylbenzene
51796	Ethyl carbamate (Urethane)

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CAS Number	Chemical Name
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethyleneimine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid (Hydrogen chloride [gas only])
7664393	Hydrogen fluoride (hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
	1,2,3,4,5,6-hexachloro cyclohexane (all stereo isomers including Lindane)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methylhydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert-butyl ether
101144	4,4'-Methylenebis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	4,4'-Methylenediphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methylaziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluenediamine

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CAS Number	Chemical Name	**Source Categories**
584849	2,4-Toluene diisocyanate	Antimony Compounds
95534	o-Toluidine	Arsenic Compounds (inorganic including arsine)
8001352	Toxaphene (chlorinated camphene)	Beryllium Compounds
		Cadmium Compounds
120821	1,2,4-Trichlorobenzene	Chromium Compounds
79005	1,1,2-Trichloroethane	Cobalt Compounds
79016	Trichloroethylene	Coke Oven Emissions
95954	2,4,5-Trichlorophenol	Cyanide Compounds[1]
88062	2,4,6-Trichlorophenol	Glycol ethers[2]
121448	Triethylamine	Lead Compounds
1582098	Trifluralin	Manganese Compounds
540841	2,2,4-Trimethylpentane	Mercury Compounds
108054	Vinyl acetate	Fine mineral fibers[3]
593602	Vinyl bromide	Nickel Compounds
75014	Vinyl chloride	Polycyclic Organic Matter[4]
75354	Vinylidene chloride (1,1-Dichloroethylene)	Radionuclides (including radon)[5]
		Selenium Compounds
1330207	Xylenes (mixed isomers)	
95476	o-Xylene	
108383	m-Xylene	
106423	p-Xylene	

Note: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1]X'CN where X = H' or any other group where a formal dissociation may occur. For example, KCN or $Ca(CN)_2$.

[2] Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol $R-(OCH_2CH_2)_n-OR'$
where:

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: $R-(OCH_2CH_2)_n-OH$. Polymers are excluded from the glycol category.

[3]Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) having a fiber diameter less than 3.5µm and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

[4]Includes substituted and/or unsubstituted polycyclic aromatic hydrocarbons and aromatic heterocycle compounds, with two or more fused rings, at least one of which is benzenoid (i.e., containing six carbon atoms and is aromatic) in structure. Polycyclic Organic Matter is a mixture of organic compounds containing one or more of these polycyclic aromatic chemicals which include dioxins and furans. Polycyclic Organic Matter is generally formed or emitted during thermal processes including (1) incomplete combustion, (2) pyrolysis, (3) the volatilization, distillation or processing of fossil fuels or bitumens, or (4)

the distillation or thermal processing of non-fossil fuels. The Administrator may delineate, by test method, what is included in polycyclic organic matter.

[5]A type of atom which spontaneously undergoes radioactive decay.